

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 1560 - SB 1585

January 30, 2016

SUMMARY OF BILL: Authorizes, for the purpose of disinterring a body, a district attorneys general to (1) petition a court sua sponte if the district attorney general is the district attorney general of the district in which the body is buried or interred; (2) request the district attorney general of the district where the body is buried to petition the court if the requesting district attorney general is the district attorney general of a district in which it is claimed the death occurred; and (3) request the district attorney general of the district where the body is buried to petition the court if the requesting district attorney general is the district attorney general of a district in which an act causing the death occurred.

Authorizes disinterment for the purpose of collecting a DNA specimen, rather than for an autopsy or post-mortem examination. Authorizes disinterment even if an autopsy was performed before the body was interred.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures – Exceeds \$5,500 /District Attorneys General Conference

Other Fiscal Impact – The average cost to perform an autopsy is \$5,000. Due to multiple unknown factors, the party who will bear the cost of the autopsy is unknown. The financial responsibility for the autopsy could be the state or the respective local government entity and will be determined on a case-by-case basis.

Assumptions:

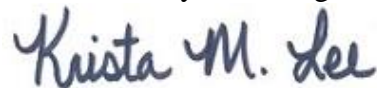
- Under Tenn. Code Ann. § 38-7-107, a state or county medical examiner can request a district attorney general to petition a court to order a body disinterred and an autopsy performed when the death occurred under suspicious circumstances and the body was interred before an autopsy could be performed.
- The financial responsibility for an initial autopsy is borne by the county medical examiner. Any subsequent autopsy is generally the financial responsibility of the requesting party. However, a court may order the state to pay the costs under Tenn. Code Ann. § 38-1-104.

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- The average cost to disinter a body is estimated to be \$4,000; approximately \$2,000 to exhume the body and approximately \$2,000 for handling and transporting the remains.
- If the district attorney general acts sua sponte as authorized by the proposed legislation, then the financial responsibility of disinterring the body will be borne by the district attorney general. The cost to collect a DNA specimen will also be borne by the district attorney general. The Office of the Chief Medical Examiner (Chief Medical Examiner) reports that a DNA test costs approximately \$1,500.
- The bill will result in increased expenditures by the District Attorneys General Conference each time it exercises the authority given by the proposed legislation. The expenditures will be \$4,000 for each disinterment and \$1,500 for each DNA test.
- Fiscal Review cannot reasonably determine how many times a district attorney general will exercise its authority under the proposed legislation. It is assumed that a district attorney general will seek at least one disinterment and one DNA specimen each year. It is assumed that the increase in state expenditures will exceed \$5,500 each year (\$4,000 disinterment + \$1,500 DNA test).
- However, the cost of the autopsy could be borne by the county medical examiner, if it is a first autopsy; the district attorney general, if it is a subsequent autopsy; or the state, if ordered by the court.
- The Chief Medical Examiner reports that the average cost to perform an autopsy is \$5,000.
- Fiscal Review cannot reasonably determine who will ultimately bear the financial burden for the autopsy. Any determination would be made on a case-by-case basis.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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